## REMARKS

The examiner requires restriction to the invention of Group I (claims 1-6) or the invention of Group II (claims 7-20). Applicants hereby confirm the prior oral election of Group I for prosecution on the merits. This election is being made without traverse. To facilitate prosecution, non-elected claims 7-20 have been canceled.

Claim 1 has been amended to recite that the hot melt adhesive is a thermoplastic hot melt adhesive. Claim 1 has been amended to recite that the hot melt adhesive is a thermoplastic hot melt adhesive. This would be apparent to one skilled in the art from a reading of the disclosure as a whole including the examples. See further page 11, line 18. Thermoplastic hot melts that can be repeatedly heated from its solid state and flowed to a liquid form. Also attached is copy of the ordinary meaning of the word "thermoplastic", as set forth in The American Heritage® College Dictionary, Third Edition, 2000 (page 1407).

New claims 21-26 have been added. The newly added claims read on the elected invention. Support for claim 21 and 22 may be found on page 7, lines 15-17. Support for claims 23 and 24 may be found on page 8, lines 1-2. Support for claim 25 and 26 many be found on page 10, lines 22-23. No new matter has been added by way of the foregoing amendment. Entry is requested.

Claim 4 has been rejected under 35 U.S.C § 112, second paragraph, based one the use of a trade name. As amended, the trade name has been removed. The scent used in the claimed invention is identified by its manufacturer and the identifying number assigned to the fragrance by the manufacturer thereof. It is believed that the foregoing

amendment overcomes the Section 122, first paragraph rejection. Reconsideration and withdrawal is requested.

Claims 1, 5 and 6 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Krzysik (U.S. Patent No. 5,460,804). Applicants disagree.

Krzysik disclose skin care preparations such as sunscreen compositions. The compositions comprise, as a film forming agent, a silicon hot melt pressure sensitive adhesive. Among the various adjuvants that can be used in the compositions of Krzysik are fragrances and perfumes (col.8, line 49).

Krzysik merely discloses that a fragrance may be part of a sunscreen preparation.

Krzysik fails to disclose or suggest a composition comprising a hot melt adhesive,

wherein the fragrance is part of the hot melt adhesive, as claimed by applicants. As such,

Krzysik does not anticipate the claimed invention.

Reconsideration and withdrawal of the Section 102 rejection over Krzysik is requested.

Claims 1, 5 and 6 are rejected under 35 U.S.C. § 102 (e) as being anticipated by Cooke et al. (U.S. Patent No. 6,469,227) or Maleeny et al. (U.S. Patent No. 6,375,966). Applicants disagree.

Cooke et al., disclose an adhesive skin patch that comprises a therapeutic formulation. The therapeutic formulation includes a combination of a pressure sensitive adhesive and a medicament useful for relieving topical discomfort, and may optionally include a solvent that can dissolve the medicament. At col. 9, lines 14-15, Cooke et al. disclose that the therapeutic formulation can optionally include a fragrance, or the fragrance can serve as the solvent.

Cooke et al. merely disclose that a fragrance may be part of a therapeutic composition. Cooke et al. fail to disclose or suggest a composition comprising a hot melt adhesive, wherein the fragrance is part of the hot melt adhesive, as claimed by applicants. As such, Cooke et al. does not anticipate the claimed invention.

Maleeny et al. disclose polyurethane/polyurea matrices for the delivery of active agents. The matrix is prepared by reacting a urethane prepolymer (prepared by reacting a polyisocyanate and a polyol) with an aromatic diamine chain extender in the presence of an active agent (i.e., a fragrance agent or an insect repellant agent). The matrix may further comprise a solvent for the urethane prepolymer, the aromatic diamine chain extender and active agent which results in a polyurethane/polyurea elastomer which is clear. The matrices can be casts into various shapes to form consumer products. The product of Maleeny et al. is a moldable curing polymer.

Maleeny et al. fail to disclose a thermoplastic hot melt adhesive comprising a scented material. As noted above, a thermoplastic hot melt adhesive can be repeatedly heated from its solid state and flowed to a liquid form. Maleeny fails to disclose or suggest a thermoplastic hot melt adhesive comprising a scented material as claimed by applicants. In the process of Maleeny, a urethane prepolymer (prepolymer phase) is reacted with an aromatic diamine chain extender (the curative amine phase) in the presence of an active agent. The active agent may be added as part of the prepolymer phase or as part of the curative phase. The phases are reacted and cooled in molds. The resulting cast elastomeric polymer being molded in a desired shape needed for the intended end product.

Applicants note with some confusion the disclosure on the top of col. 8 (lines 1-9). This disclosure has nothing to do with the subject matter of Maleeny et al. and appears to be an erroneous and perhaps inadvertent insertion on the part of the patentees. With the exception col. 8, lines 1-9, Maleeny et al. is devoid of any reference to adhesive compositions, or to components thereof that make up the adhesive composition that function together to provide unique waterborne hot melt agents. Moreover, while it is stated therein that certain theories or mechanisms will be suggested by applicant as to why the components function together in an unexpected manner, no such suggestions are set forth. Nevertheless, even if the col. 8, lines 1-9 paragraph is considered, there is no disclosure that a scented material is part of the referred to adhesive composition. There is no disclosure to suggest, and one skilled in the art would consider, that the prepolymer phase, or the curative phase, or the reaction product thereof to be an adhesive composition let alone a waterborne hot melt agent. The thermoplastic hot melt adhesive comprising a scented material, as claimed by applicants is not anticipated by Maleeny et al.

Reconsideration and withdrawal of the Section 102 rejections over Cooke et al. and Maleeny et al. are requested.

Claims 2-4 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Maleeny et al., Cooke et al. or Krzysik. Applicants disagree. For the reasons set forth above, none of the Maleeny et al., Cooke et al. or Krzysik patents disclose or even suggest a thermoplastic hot melt adhesive comprising a scented material as claimed by applicants.

Reconsideration and withdrawal of the Section 103 rejections over Maleeny et al.,

Cooke et al. or Krzysik are requested.

Early and favorable action is solicited.

Respectfully submitted,

August 5, 2004

Cynthia L. Foulke Reg. No. 32,364

National Starch and Chemical Company P.O. Box 6500 Bridgewater, New Jersey 08807-0500 (908) 685-7483

## THE AMERICAN HERITAGE® COLLEGE DICTIONARY

THIRD EDITION



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Boston - New York

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min (ther >-min) n. Mus. An electronic instrument and by moving the hands near its two antennas, often used tremole effects. (After Leo Theremin (b. 1896), Rus-Sengineer and inventor.]

Sengineer and inventor.]

Sengineer and inventor.]

Sengineer and inventor.]

Sengineer and inventor.]

of (DRCUY, -00.1) in the refrom.

Valle from that cause or origin; therefrom.

(Saion (thir-du', -ch') adv. 1. On or upon this, that, or ir.

1. An original that the said of 19:38 (n-ref's), -22, -28/-), Ssimt. "Theresa of Avila." [32] -32 Spanish oun who founded the reformed order of spelles (1562).

to (thir-too') adv. 1. To that, this, or it. 2. Archaic. In this to that; furthermore.

to fore (that' to for', -for') adv. Until that time; before

(this on der (this on dor) odv. Under this, that, or it is this, or it, is much this, or it, is the other this, or it, is the other this, or it,

in the property of the content of th

id i short upon that. 2. Directly following that, forthwish S. In Yet Sequence of that; therefore.

In Superior of that, therefore.

In Superior of that, -with!) adv. 1. With that, this, or it. of the superior of the super

iffe besides. http://www.phic (thir/e-e-mor/fik) also the-ri-o-mor-

rous l-fres) adj. Thought of as having the form of a beast, and of a delry. [Gk. therion, dim. of ther, wild beast; see

ing of a certy. (One of the man, min. of the man, one of the company of the compa i ma

spin abr. Thermometer.

spin prif Ver. of thermo-.

spin ruff An animal having a specified kind of body temprime: poikilotherm. [< Gk. thermo, hear < thermos,

span, hot. See g\*her\*.]

\*\*Intal (thur mol) adj. 1. Of, relating to, using, producing,

spin and A raing current of warm air. — ther mai-ty adv.

\*\*Intal noise n. Unwanted corrents or voltage; in an elec
spin noise n. Unwanted corrents or voltage; in an elecic component resulting from the agitation of electrons by

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The decrease of heated water into the conduction of the conduction in the conduction of the conduction matures. - therm'l-on'le (-mi-on'ik) adj.

bonk emission a. Emission of thermions, esp. electrons,

a conducting material at high temperatures. 1000-165 (thur'mi-on'iks) n. (used with a sing. or pl.

the physics of thermionic phonomens.

ions is a heated electrode.

in latter (thût mis mr) n. A resistor made of semicon-makering reasonne that varies rapidly and predictably

if any naving reasonance that varies rapidly and predictably ill any parameter. [Trease(a) + (nes) tron.]

In the (thur' mit, -mit'). A trademark used for a welding ill according mixture of fine aluminum powder with a medic that when ignized yields an incress heat.

The condition when ignized yields an incress heat.

The or therm - pref. 1. Heat: thermochemistry. 2. Therefore, thermojunction. [< Gk. therme, heat < thermos, 1971, but, See gwher."]

The objective thermojunction. [< Gk. therme, heat < thermos, 1971, but, See gwher."]

The objective thermojunction of the common - there's and hear-associated chemical phonomens. - ther's

the man latery (thur mo-ken'l-ture m. the chemical phanomena. — ther's den'l-cal (-i-ka) adj. — ther'mo-chem'lat m. mo-chem'lat m. mo-chem'lat m. ther'mo-chem'lat m. therefore man along the man and there is about the mo-chem'later across the layer is about the mo-chem'later across the layer is about the mo-chem'later across the layer is about the mo-chem'later across the layer.

to measure temperatures accurately, esp. one consisting measure temperatures accurately, esp. one consisting of mismalar metals joined so that a potential difference attack between the points of contract is a measure of the fermine difference between the points.

June durile (thur mo-don'lk, -dyon'l) adj. Capable of prints high temperatures, esp. those of pasteurization.

July a microorganism. (Thermo- + Lat. dirate, to last; see

for dy nam-le (thûr'mō-dì-nām'īk) adj. 1. Characters of or resulting from the conversion of heat into other the of energy. 2. Of or relating to thermodynamics. The dy-nam'least by adv.

1. The head of abovies that deals with the relation-

The brinch of physic that deals with the relationable with the rel

ther-mo-e-lec-tric-i-ty (hûr'mō-i-kk-ria')-te, -ē'lék-) n.
Electricity generated by a flow of heat, as in a thermocouple.
ther-mo-e-lec-tron (thûr'mō-i-lêk'riōn') n. An electron emitted by a material at high temperatures. flow of hear. - ther/move-lec/tri-cal-ty adv.

ther · mo · gram (thûr / mo-gram /) m. A record made by a ther-

theremoegraph (thur'ms-grif') n. 1. A thermometer that re-cords the temperature it indicates. 2. The apparatus used in

diagnostic thermography.

ther-mog ra-phy (ther-mog' re-fe) m., pl. -phies. 1. A process for producing raised lettering, as on stationery, by application of a powder fused by heat to the fresh ink. 2. A diagnostic technique in which an infrared camera produces images that reveal sites of abnormal tissue growth by measuring comparature variations on the surface of the body. — ther/mn-graph/ic (-m-grif/lk) adj. — ther/mn-graph/i-cal-ty adv. ther/mn-junc-tion (thit/mn-jungk/shad). The point of connect between two dissimilar metals in a thermocouple. ther-mn-la-bile (thir/mh-la/bil, -bil/) adj. Subject to de-

struction, decomposition, or great change by heating. Used cap, of biochemical substances.
theremo-lu-mi-mas-conce (thur/mol-fo/ma-mis/sms) n. A

Phenomenon in which cermin minerals release previously ab-

sorbed radiation upon being moderately heated.
ther-mol-y-sis (thar-mol/Y-sis) n., pl. -ses (-s2r'). 1. Physiol.
Dissipation of heat from the body, as by evaporation.
2. Chem. Dissociation or decomposition of compounds by heat. — ther'mo-lyt'le (thur'ma-lit'lk) adj.
ther-mom seter (thar-mom's-we) n. An insertment for measuring representate, esp. one having a graduated glass tube

ther more effer (ther mom's tee) n. An instrument for measuring temperature, esp. one having a graduated glass tube with a bulb containing a liquid such as recreatly, that expands and rises in the tube as the temperature increases.

ther more effect (ther mom's temperature measurement of temperature. 2. The technology of temperature measurement. — ther mo met'ric (thir mo-met'ric) adj.

ther mo nu class (thur mo-met'ric) adj.

1. Of, relating to, or derived from the fusion of atomic nucles which temperatures thermomy less restrictes. 2. Of relating

1. Of, relating to, or derived from the fusion of atomic nuclei at high temperatures: thermonuclear reactions. 2. Of, relating to, or characterized by the use of atomic weapons based on fusion, esp. as distinguished from those based on fission. there mo particolar limit (this mo pir e-adis and also there mo particolar lity (dis I tel). The effect on an arganism of the rhythmic fluctuation of temperature, as that accompanying the alternation of day and night. there mo phills (chir/ma-fil/k) adi, Requiring high temperatures for normal development, as certain bacteria. — there mosphills (-fil') n.

mo-philes' (-fil') n.
ther-mo-pile (httr'mo-pil') n. A device consisting of a number of connected thermocouples, used for measuring emperature or generating current. [manuo + nus'.]
ther-mo-plas-tic (httr'mo-pils'dk) odj. Becoming soft when heated and hard when cooled. — n. A thermoplastic resin.

— ther-mo-pils tic'l-ty (-pil-sits'1-th) n.
Ther-mop-y-lab (httr-mop's-la). A narrow pass of B-central

Greece; site of an unniccessful Spartag stand against the Persians in 480 a.c.

sain in 460 to.

ther mo re-cept tor (thûr/mō-rī-sēp/tar) n. Biol. A sensory receptor that responds to heat and cold.

ther mo regulation (thûr/mō-rēg/yɔ-lār/) intr.v. -lat.ed.

-lat-ing.-lates. 1. To regulate body temperature. 2. To undergo thermoregulation.

ther mo regulation. Therefore yo-lār/shan) n. Maintenance of a conversal internal body temperature independent

nance of a constant internal body temperature independent from the environmental temperature. — ther/mo-reg/u-la-

to'ry (-reg'yo-lo-tôr'é, -tôr'é) adj.
Ther-mos (thôr'mos). A trademark used for a brand of vac-

num bottles and other insulated containers.

ther mo-set-ting (thu' mo-etr'ing) adj. Permanently solidifying on being beated. Used of certain synthetic resins.

ther mo-sphere (thu' ma-skr') s. The outcomest shell of the atmosphere, between the mesosphere and outer space, where

atmosphere, between the mesosphere and ouner space, where temperatures increase steadily with altitude. — ther'mospher' (e. Shir'lk, adj.)
ther mosta ble (chir'mōsta'ba) also ther mosta bile (-ba), -bil', adj. Unaffected by relatively high temperatures, as certain ferments. — ther'mosta bil'ity (-ta-bil'/re) n. ther mostat (thir'ms-tia') n. A device, as in a home hearing system, that automatically responds to temperature changes and activates switches controlling the equipment. — ther'mostat'it adj. — ther'mostat'ical'ly adv.
ther-mostax-is (thir'ms-tik'sis) n., pl. -tax-es (-tik'sis).
1. Movement of a living organism in response to temperature changes. Z. Normal regulation of adjustment of body temperature. — ther'mostat'it (-tik'tik), ther'mostat'le (-tik'sis) adj. (-tšk slk) adj.

(-fax'six) adj.

ther-motion-pism (ther-motion-pis'am) n. Biol. The rendency of plants or other organisms to bend toward or away from hear. — ther/motion/le (thur/motion/lik) adj.

thermy suff. Heat: diathermy. [NLat. thermia < Gk. therms, hear < therman, warm, hot. See gwner-.]

the-ro-pod (thir/-pdd') n. Any of various camivorous dimensional control of the second contro

1407 theremin

theropod

oi bay & pay ou out ir care độ tười k do boot ë pet ë be ñ cut år urge pit th thin ole th this îr pler hw which ō pot 8 toe zh vision a about.

Stress marks: (primary); ' (secondary), as in dictionary (dik'shaner's)

